

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

RODERICK MAURICE WHITE,

Plaintiff,

v.

C/O NORMAN IRVING,

Defendant.

CIVIL ACTION NO.: 6:14-cv-77

ORDER

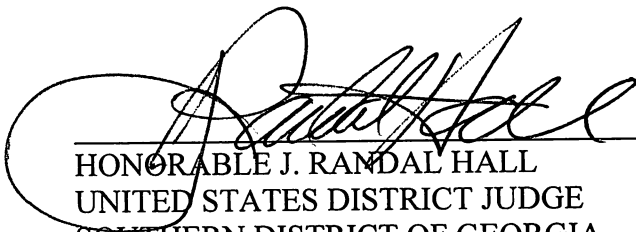
After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, (doc. 95), to which Plaintiff filed Objections, (docs. 100, 101). In his Objections, Plaintiff once again makes note that he is mentally ill and did not have access to his legal and writing materials so that he could prepare a response to Defendant's Motion for Summary Judgment. (Doc. 100, p. 1.) Plaintiff maintains that he has been truthful and diligent regarding his claims that Defendant violated his rights. Plaintiff takes issue with several of the assertions Defendant made in support of his Motion for Summary Judgment, which the Magistrate Judge recounted in his Report and Recommendation. (*Id.* at pp. 3–4.) Additionally, Plaintiff disagrees with the Magistrate Judge's conclusions as to each of the five factors necessary in an excessive force analysis.¹ (*Id.* at pp. 5–6.) Plaintiff

¹ In order to determine whether the force was used for the malicious and sadistic purpose of causing harm or whether the force was applied in good faith, courts consider the following factors: the need for the exercise of force, the relationship between the need for force and the force applied, the extent of injury that the inmate suffered, the extent of the threat to the safety of staff and other inmates, and any efforts taken to temper the severity of a forceful response. *Skelly v. Okaloosa Cty. Bd. of Cty. Comm'rs*, 456 F. App'x 845, 848 (11th Cir. 2012) (quoting *Fennell v. Gilstrap*, 559 F.3d 1212, 1217 (11th Cir. 2009)). The Magistrate Judge correctly analyzed these factors in the Report and Recommendation. (Doc. 95, pp. 8–12.)

concludes that Defendant is not entitled to summary judgment because there is “too much evidence [which] remains undiscovered[,]” and Plaintiff has encountered several road blocks in his attempts to obtain assistance with his litigation. (Id. at p. 7.)

Plaintiff’s Objections are without merit. For the reasons set forth by the Magistrate Judge, Defendant has established that he is entitled to summary judgment on all of Plaintiff’s claims. Plaintiff’s assertions in his Objections do not change that conclusion. The Court has provided Plaintiff more than ample opportunity to oppose Defendant’s Motion for Summary Judgment and to conduct discovery into his claims. Accordingly, the Court **ADOPTS** the Magistrate Judge’s Report and Recommendation as the opinion of the Court and **OVERRULES** Plaintiff’s Objections. The Court **GRANTS** Defendant’s Motion for Summary Judgment, (doc. 70), **DISMISSES** Plaintiff’s Complaint, **DENIES** Plaintiff’s Motion for Protective Order, (doc. 93), and **DENIES** Plaintiff leave to proceed *in forma pauperis* on appeal. The Court **DIRECTS** the Clerk of Court to enter an appropriate judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 12th day of September, 2016.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA